

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELEWARE**

OMEGA PATENTS, LLC,
a Georgia limited liability company,

Plaintiff,

vs.

GEOTAB USA, INC.,
a Delaware corporation, and
GEOTAB, INC.,
a Canadian corporation,

Defendants.

Case No.:

INJUNCTIVE RELIEF REQUESTED

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Omega Patents, LLC, hereby files its Complaint against Defendants Geotab USA, Inc. and Geotab, Inc., and alleges as follows:

PARTIES, JURISDICTION, AND VENUE

1. Plaintiff Omega Patents, LLC (“Omega”) is a Georgia limited liability company.
2. Upon information and belief, Defendant Geotab USA, Inc. (“Geotab USA”) is a Delaware corporation with an agent for service at 1209 Orange St., Wilmington, DE 19801.
3. Upon information and belief, Defendant Geotab Inc. (“Geotab Inc.”) is a Canadian corporation with headquarters at 2440 Winston Park Dr., Oakville, Ontario, L6H 7V2, Canada. Defendants Geotab USA and Geotab Inc. are referred to herein collectively as Geotab.
4. Geotab regularly engages in marketing activities that promote the sale of products that infringe the patent-in-suit to customers and/or potential customers, including those located in Delaware and in the judicial District of Delaware.

5. This Court has jurisdiction over the subject matter of this action as to the Defendants pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. This Court has *in personam* jurisdiction as to Geotab USA because, upon information and belief, Defendants are subject to both general and specific jurisdiction in this State. More particularly, Geotab USA is registered as a Delaware corporation and sells and offers to sell products that infringe one or more claims of Omega's patent in this Judicial District. Geotab Inc., upon information and belief, conducts business and has committed acts of patent infringement, has induced acts of patent infringement by others, and or has contributed to patent infringement by others in this Judicial District, in Delaware and elsewhere in the United States.

7. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400 because, among other things, Geotab is subject to personal jurisdiction in this judicial district, Geotab USA is a corporation formed in Delaware and in this judicial district, and Geotab Inc. has purposely transacted business involving the accused products in this judicial district, including sales to one or more customers in Delaware, and certain of the acts complained of herein occurred in this judicial district, in Delaware and in the United States.

STATEMENT OF FACTS

8. On October 4, 2011, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 8,032,278 B2 ("the '278 Patent"). Omega is the sole and exclusive owner of the valid and enforceable '278 Patent, a copy of which is attached hereto as Exhibit A.

9. Kenneth E. Flick, the inventor of the Patent-in-Suit, is recognized as an innovator in the vehicle electronics industry, having invented many improvements for the vehicle

electronics and security industry, including innovations covering the vehicle data bus and vehicle tracking.

10. The Patent-in-Suit reflects some of Mr. Flick's inventions in the field. Mr. Flick has assigned all of his rights to the inventions claimed in the Patent-in-Suit to Omega, which has owned them since the date of issuance and during the alleged infringement of Geotab.

11. Upon information and belief, Geotab manufactures, imports, offers for sale and/or sells devices in the United States that directly or indirectly infringe upon one or more claims of the Patent-in-Suit.

12. Geotab manufactures, uses, imports, offers for sale and/or sells the Geotab GO line of products, including products such as the GO8, GO9 and GO9+. The GO line of products is found at <https://www.geotab.com/vehicle-tracking-device/>.

13. GO products are multi-vehicle compatible devices designed to provide vehicle tracking and interface and communicate on the vehicle's bus. GO products include both a cellular transceiver and a GPS receiver and send vehicle position information to a user or a monitoring station accessed at users.

14. The below chart shows Geotab and their customers infringing at least Claim 12 of the '278 Patent:

<u>U.S. PATENT 8,032,278</u>	
OMEGA PATENT CLAIM	INFRINGING GO PRODUCTS
1. A multi-vehicle compatible tracking unit for a vehicle comprising a vehicle data bus extending throughout the	The Geotab GO9/GO9+ is a multi-vehicle compatible tracking unit for a vehicle comprising a vehicle data bus extending throughout the vehicle.

<u>U.S. PATENT 8,032,278</u>	
OMEGA PATENT CLAIM	INFRINGING GO PRODUCTS
vehicle, the multi-vehicle compatible tracking unit comprising:	
a vehicle position determining device;	<p>The Geotab GO9/GO9+ each includes a vehicle position determining device.</p> <div data-bbox="518 735 1474 1064" data-label="Image"> <p>Accurate vehicle tracking Collect rich, accurate data on vehicle location, speed, trip distance and time, engine idling and more. Even if your vehicle is parked indoors and underground, GPS vehicle tracking and telematics starts recording as soon as you begin driving. The GO9 introduces the new Global Navigation Satellite System module (GNSS) for faster latch times and increasingly accurate location data.</p> </div> <p>¹</p> <p>The GO9+ support document indicates the GPS receiver uses a “72-channel engine (GPS/GLONASS/Beidou/Galileo/SBAS/WAAS/EGNOS/MSAS/GAGAN)”²</p> <p>The GO9 brochure states “Global Navigation Satellite System (GNSS) module offers both GPS and GLONASS support. This module provides improved latch times (time-to-first-fix) and enhanced location data accuracy.”³</p>

¹ https://www.geotab.com/vehicle-tracking-device/?gclid=Cj0KCQjw-daUBhCIARIsALbkjSb0CYjazN4bjzxjJ3bT_77LXN5GHPDp_pq1L_HlQTe408GB63o5Fw8aAt2wEALw_wcB&utm_campaign=search_na_core_branded_north_america_bl&utm_medium=cp_c&utm_source=google&utm_term=geotab%20tracking%20device

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https://docs.google.com/document/d/1rVyKtooyXRmis_aXTXd_0NPngMzu1wPLApAM7s4_e-Y/edit

³ [https://storage.googleapis.com/geotab_wfm_production_cms_storage/CMS-GeneralFiles-production/NA/GO_devices/updated_version/geotab-go9-plus-brochure-english-north-america-2021-DS02811\(web-spread\)%20%5bPUB%5d.pdf](https://storage.googleapis.com/geotab_wfm_production_cms_storage/CMS-GeneralFiles-production/NA/GO_devices/updated_version/geotab-go9-plus-brochure-english-north-america-2021-DS02811(web-spread)%20%5bPUB%5d.pdf)

<u>U.S. PATENT 8,032,278</u>	
OMEGA PATENT CLAIM	INFRINGING GO PRODUCTS
a wireless communications device;	<p>The Geotab GO9/GO9+ each includes a wireless communication device, that is, cellular circuitry providing LTE Connectivity.</p> <p>LTE connectivity Communication on the LTE network delivers speed where you need it and longevity for peace of mind. LTE connectivity is available on select products.</p> <p style="text-align: center;">4</p> <p>The GO9+ support document indicates the cellular capabilities include “GO9+ LTE ATT/TELUS LTE (CAT-4): Bands 2/4/5/12”⁵</p> <p>Geotab’s FCC filings confirm:</p> <p>Antenna Information</p> <p>Internal antennas for LTE, WiFi and GPS with LDS technology</p> <ul style="list-style-type: none"> - Dual-antenna for LTE CAT4 - Single band antenna for 2.4GHz WiFi - Single antenna for GPS and Glonass

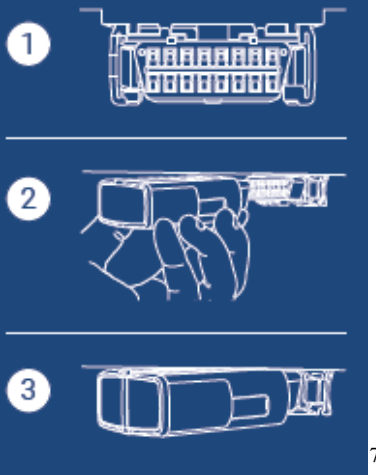
⁴ [https://storage.googleapis.com/geotab_wfm_production_cms_storage/CMS-GeneralFiles-production/NA/GO_devices/updated_version/geotab-go-9-brochure-english-north-america-2021-DS02811\(web-spread\).pdf](https://storage.googleapis.com/geotab_wfm_production_cms_storage/CMS-GeneralFiles-production/NA/GO_devices/updated_version/geotab-go-9-brochure-english-north-america-2021-DS02811(web-spread).pdf)

⁵

https://docs.google.com/document/d/1rVyKtooyXRmis_aXTXd_0NPngMzu1wPLApAM7s4_e-Y/edit

<u>U.S. PATENT 8,032,278</u>	
OMEGA PATENT CLAIM	INFRINGING GO PRODUCTS
	<p>RF Functionality</p> <p>LTE CAT4 module with 3GPP release 10 compliant</p> <p>Supporting band 2/4/5/12 with configurable bandwidths</p> <p>B2/B4: 1.4/3/5/10/15/20 MHz</p> <p>B5/B12: 1.4/3/5/10 MHz</p> <p>Class 3 transmitter power up to 25.5 dBm for UMTS and 25dBm for LTE.</p> <p>Supports multi-constellation GNSS.</p>
a multi-vehicle compatible controller for cooperating with said vehicle position determining device and said wireless communications device to send vehicle position information;	<p>The Geotab GO9/GO9+ each includes a multi-vehicle compatible controller for cooperating with said vehicle position determining device and said wireless communications device to send vehicle position information.</p> <p>The most powerful GO device ever</p> <p>Upgrade to the next generation of GPS vehicle tracking devices. With a 32-bit processor, more memory and more RAM, the Geotab GO9 is the most powerful GO device ever.</p> <p>6</p>
said multi-vehicle compatible controller to be coupled to the vehicle data bus for communication thereover with at least one vehicle device using at least one corresponding vehicle device code from among a plurality thereof for	<p>The Geotab GO9/GO9+ each includes a multi-vehicle compatible controller to be coupled to the vehicle data bus for communication thereover with at least one vehicle device using at least one corresponding vehicle device code from among a plurality thereof for different vehicles. The Geotab GO9/GO9+ communicate over the vehicle data bus via the OBD II port, connected as shown below:</p>

⁶ [https://storage.googleapis.com/geotab_wfm_production_cms_storage/CMS-GeneralFiles-production/NA/GO_devices/updated_version/geotab-go-9-brochure-english-north-america-2021-DS02811\(web-spread\).pdf](https://storage.googleapis.com/geotab_wfm_production_cms_storage/CMS-GeneralFiles-production/NA/GO_devices/updated_version/geotab-go-9-brochure-english-north-america-2021-DS02811(web-spread).pdf)

<u>U.S. PATENT 8,032,278</u>	
OMEGA PATENT CLAIM	INFRINGING GO PRODUCTS
different vehicles; and	<p>Simple installation</p> <p>Simply plug the GO9 directly into your vehicle's OBD II port or with an adapter where needed. No antenna or wire-splicing required. The device auto-calibrates to accommodate for installation in any orientation. See installation sheet for full details.</p> <p>It's as easy as 1-2-3</p>  <p>The Geotab GO9/GO9+ is multi-vehicle compatible and determines vehicle compatibility amongst vehicles using different protocols, including:</p> <p><i>“Engine Management Legacy Interfaces Physical Interfaces: J1850 PWM, J1850 VPW, J1708, 9141-2 and ISO 14230 (KWP2000) at Pins 2 and 10 Speed: 10.4/41.6 kbaud for J1850, 9141-2 and ISO 14230 and 9600/62500 bps for J1708 Data packet protocols: J1850 PWM, J1850 VPW, J1708, J1708 CAT, ISO Toyota, ISO Vario, ISO Ford, ISO Isuzu Diagnostic/application protocols: OBD2 Standard CAN Physical Interfaces: CAN at Pins 6 and 14, Pins 3 and 11, Pins 2 and 10</i></p>

⁷ [https://storage.googleapis.com/geotab_wfm_production_cms_storage/CMS-GeneralFiles-production/NA/GO_devices/updated_version/geotab-go-9-brochure-english-north-america-2021-DS02811\(web-spread\).pdf](https://storage.googleapis.com/geotab_wfm_production_cms_storage/CMS-GeneralFiles-production/NA/GO_devices/updated_version/geotab-go-9-brochure-english-north-america-2021-DS02811(web-spread).pdf)

<u>U.S. PATENT 8,032,278</u>	
OMEGA PATENT CLAIM	INFRINGING GO PRODUCTS
	<p><i>Speed: 125/250/500 kbps</i> <i>Data packet protocols: ISO 15765 CAN, GMLAN, VW TP 2.0, SAE J1939-21, SAE J1939-FMS</i> <i>Diagnostic/application protocols: Std OBD2, WWH-OBD, UDS (ISO 14229)</i> <i>Single Wire CAN</i> <i>Physical Interfaces: Single Wire CAN at Pin 1</i> <i>Speed: 33/50/83.3 kbps</i> <i>Data packet protocols: GMLAN, OEM Specific</i> <i>Medium/Low Speed CAN</i> <i>Physical Interfaces: J1939-13 Type 2, TTL CAN at Pins 3 and 11, Pins 2 and 10</i> <i>Speed: 50/125/250 kbps</i> <i>Data packet protocols: GMLAN, OEM Specific, ISO 15765 CAN, SAE J1939-21, SAE J1939-FMS</i> <i>Diagnostic/application protocols: Std OBD2, WWH-OBD, UDS (ISO 14229)</i> <i>* 2- or 3-wire install support (for older vehicles/asset tracking)”⁸</i></p> <p>The at least one vehicle device with which the Geotab GO9/GO9+ communicates using at least one corresponding vehicle device code from among a plurality thereof for different vehicles is an ECM/BCM. The data that can be accessed via the OBD II includes:</p> <p><i>“The OBDII provides access to status information and Diagnostic Trouble Codes (DTCs) for:</i></p> <p><i>Powertrain (Engine and transmission)</i> <i>Emission Control Systems</i> <i>Additionally, you can access the following vehicle information via the OBD II:</i></p> <p><i>Vehicle Identification Number (VIN)</i> <i>Calibration Identification Number</i> <i>Ignition counter</i> <i>Emissions Control System counters”⁹</i></p>

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https://docs.google.com/document/d/1rVyKtooyXRmis_aXTXd_0NPngMzu1wPLApAM7s4_e-Y/edit

<u>U.S. PATENT 8,032,278</u>	
OMEGA PATENT CLAIM	INFRINGING GO PRODUCTS
	<p>Engine and battery health assessments</p> <p>Access valuable information from EVs and conventional vehicles: vehicle health, vehicle identification number (VIN), odometer, engine faults, seat belt, battery state of charge (EVs) and more.</p> <p style="text-align: right;">10</p>
a downloading interface for permitting downloading of enabling data related to the at least one corresponding vehicle device code for use by said multi-vehicle compatible controller.	<p>The Geotab GO9/GO9+ use a downloading interface of the device for permitting downloading of enabling data related to the at least one corresponding vehicle device code for use by said multi-vehicle compatible controller.</p> <p>For example, the GO9+ brochure states its key implementations include “Over-the-air updates use digitally-signed firmware to verify that updates come from a trusted source”¹¹</p> <p>The GO9 brochure states:</p> <p>Over-the-air updates</p> <p>New updates and improvements are sent to your device seamlessly. The GO9 permits over-the-air initial provisioning and firmware updates for the device, GPS (GO9-only), and select cellular modems (LTE only).</p> <p style="text-align: right;">12</p>
12. The multi-vehicle compatible tracking unit according to claim 1 further comprising a housing	The GO9 multi-vehicle compatible tracking unit comprises a housing containing said vehicle position determining device, said wireless communications device, said multi-vehicle compatible controller, and said downloading interface, as depicted in the Geotab brochure:

⁹ <https://www.geotab.com/blog/obd-ii/>

¹⁰ [https://storage.googleapis.com/geotab_wfm_production cms storage/CMS-GeneralFiles-production/NA/GO_devices/updated_version/geotab-go-9-brochure-english-north-america-2021-DS02811\(web-spread\).pdf](https://storage.googleapis.com/geotab_wfm_production cms storage/CMS-GeneralFiles-production/NA/GO_devices/updated_version/geotab-go-9-brochure-english-north-america-2021-DS02811(web-spread).pdf)

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https://docs.google.com/document/d/1rVyKtooyXRmis_aXTXd_0NPngMzu1wPLApAM7s4_e-Y/edit

¹² [https://storage.googleapis.com/geotab_wfm_production cms storage/CMS-GeneralFiles-production/NA/GO_devices/updated_version/geotab-go-9-brochure-english-north-america-2021-DS02811\(web-spread\).pdf](https://storage.googleapis.com/geotab_wfm_production cms storage/CMS-GeneralFiles-production/NA/GO_devices/updated_version/geotab-go-9-brochure-english-north-america-2021-DS02811(web-spread).pdf)

<u>U.S. PATENT 8,032,278</u>	
OMEGA PATENT CLAIM	INFRINGING GO PRODUCTS
containing said vehicle position determining device, said wireless communications device, said multi-vehicle compatible controller, and said downloading interface.	

15. Upon information and belief, Geotab is aware of the Patent-in-Suit, based on discussions with Omega, as well as based on patent markings by other licensees of Omega and litigation with CalAmp Corp, a competitor of Geotab. Geotab is also liable for the infringement of the Patent-in-Suit by their customers, as Geotab actively induced and contributed to acts of their customers they knew were infringing or were willfully blind to the infringing nature of the acts by virtue of enabling such acts through use of remote transmitters (e.g. cellular phones) owned by the customers.

COUNT I

Action for Direct Infringement of the Patent-in-Suit Pursuant to 35 U.S.C. § 271(a)

16. Count I is an action by Omega against Geotab for monetary damages and injunctive relief for direct infringement of the Patent-in-Suit.

17. Omega herein restates and reincorporates into this Count the allegations of Paragraphs 1 through 16 herein.

18. Upon information and belief, Geotab manufactures, imports, offers for sale and/or sells products in the United States and in this Judicial District directly infringe one or more claims of the Patent-in-Suit as set forth in the claim charts above.

19. Omega is entitled to compensatory damages and injunctive relief for Geotab's infringing activities and any ongoing sales thereafter.

20. Upon information and belief, Geotab lacks justifiable belief that there is no infringement or that the infringed claims are invalid and has acted with deliberate and malicious intent in its infringing activity. Geotab's infringement is therefore willful, and Omega is entitled to an award of exemplary damages, attorneys' fees, and costs in bringing this action.

COUNT II

Action for Induced Infringement of the Patent-in-Suit Pursuant to 35 U.S.C. § 271(b)

21. Count II is an action by Omega against Geotab for monetary damages and injunctive relief for indirect infringement of the Patent-in-Suit.

22. Omega herein restates and reincorporates into this Count the allegations of Paragraphs 1 through 21 herein.

23. Geotab's customers directly infringe the Patent-in-Suit by installing and using the systems identified above, as encouraged, promoted and instructed by Geotab.

24. Upon information and belief, Geotab took action during the time the Patent-in-Suit has been in force intending to encourage or assist actions by installers and customers.

25. Upon information and belief, Geotab was aware of the Patent-in-Suit and knew that the acts by installers and customers, if taken, would constitute infringement of one or more claims of the Patent-in-Suit or Geotab believed there was a high probability that the acts, if

taken, would constitute infringement of one or more claims of the Patent-in-Suit but deliberately avoided confirming that belief.

26. Upon information and belief, Geotab is on notice of its infringement of one or more of the claims of the Patent-in-Suit, yet Geotab has continued to sell products that infringe to customers.

27. With knowledge of, or a willful blindness to, the Patent-in-Suit, Geotab encouraged installers and customers to infringe the Patent-in-Suit through installation and use of the accused systems in vehicles.

28. Omega is entitled to compensatory damages and injunctive relief for Geotab's infringing activities and any ongoing sales thereafter.

29. Omega has suffered damages as a result of Geotab's induced infringement.

PRAYER FOR RELIEF

Wherefore, Plaintiff Omega prays this Honorable Court enter such preliminary and final orders and judgments as are necessary to provide Omega with the following requested relief:

- A. A permanent injunction enjoining Geotab from infringing the Patent-in-Suit;
- B. An award of damages against Geotab under 35 U.S.C. § 284 in an amount adequate to compensate Omega for Geotab's infringement, but in no event less than a reasonable royalty for the use made by Geotab of the inventions set forth in the Patent-in-Suit;
- C. An award against Geotab for enhanced damages under 35 U.S.C. § 284, an award of costs and attorneys' fees under 35 U.S.C. § 285; and
- D. Such other and further relief as this Court deems just and proper.

JURY TRIAL DEMANDED

Omega requests a trial by jury as to all matters so triable.

Dated: August 9, 2022

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